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OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. JJI0043USA

2010 JAN -5 PM 4: 22

Applicants : CAROL WRIGHT et al Confirmation No.: 1830  
Appln. No. : 09/061568  
Filed : April 16, 1998  
Patent No. : 6,273,913  
Issued : August 14, 2001 01/07/2010 DALLEN 00000077 100750 6273913  
Title : MODIFIED STENT USEFUL FOR DELIVERY OF DRUGS ALONG STENT STRUT 01/07/2010 2620.00 DA  
Art Unit : 3738  
Examiner : GHERBI, SUZETTE JAIME J

CERTIFICATE OF ELECTRONIC FILING	
I hereby certify that this correspondence is being transmitted via The Office Electronic Filing System in accordance with 37 CFR 1.6(a)(4).	
<u>12/22/09</u> Date of Transmission and Signature	<u>Carl Evans</u> Name of Applicant, Assignee, or Authorized Representative
<u>[Signature]</u> Signature	

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300

**PETITION TO REVIVE UNINTENTIONALLY ABANDONED PATENT  
UNDER 37 CFR 1.137(b)**

The above-identified patent became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS PATENT.

1) **Petition fee:** Please charge the Petition Fee amount of \$1,620.00 to Deposit Account No. 10-0750. The Director is hereby authorized to charge any additional maintenance fee, surcharge or petition deficiency to Deposit Account No. 10-0750.


Serial No. 09/061568

**2) Reply and/or issue fee:** Please charge a total of \$3,460.00 for the Maintenance fees that were due on February 14, 2005 (\$980.00) and February 14, 2009 (\$3460.00) to Johnson & Johnson Deposit Account 10-0750. The Director is hereby authorized to charge any additional maintenance fee, surcharge or petition deficiency to Deposit Account No. 10-0750.

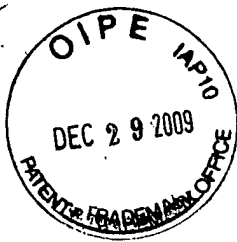
**3) Terminal disclaimer with disclaimer fee (required for all utility and plant applications filed before June 8, 1995; and for all design applications):** Not required in the instant patent as it was filed after June 8, 1995.

**4) Statement that the entire delay was unintentional:** The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. This Petition is being submitted within 24 months after the expiration of the six-month grace period of the February 14, 2009 maintenance fee. Additional Statement of Facts is attached.

Respectfully submitted,

By:   
\_\_\_\_\_  
Carl J. Evens  
Reg. No. 33,874

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
Tel: 732-524-2518  
Dated: December 22, 2009



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**STATEMENT OF FACTS**

Attachment to Petition To Revive Unintentionally Abandoned Patent Under 37 CFR 1.137(b).

Petitioner, an Attorney-at-Law of New York, states the following facts:

Payment of the February 14, 2005 maintenance fee was requested by faxing a 21 page maintenance fee transmittal letter to the USPTO on January 28, 2005. This transmittal letter was utilized to pay maintenance fees for numerous patents owned by Johnson & Johnson companies. Copy of fax transmittal confirmation and the maintenance fee transmittal letter are attached.

On October 12, 2005, our docketing group discovered that all pages of the January 28, 2005 maintenance fee transmittal letter fax were not successfully transmitted. The instant patent was listed on one of these

missing pages. Another fax, dated October 12, 2005, was sent to the USPTO containing the pages that did not successfully transmit on January 28, 2005.

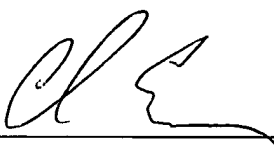
Our annuity agent, Computer Patent Annuities, attempted to pay the February 14, 2009 fee on January 14, 2009.

On or about April 13, 2009, our docketing department notified me that Computer Patent Annuities reported to them that the February 14, 2009 maintenance fee payment was rejected because the patent had expired by failure to pay the maintenance fee that was due on February 14, 2005.

Petitioner confirms that the abandonment of this patent was not deliberate or intentional. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

This Petition is being submitted within 24 months after the expiration of the six-month grace period of the February 14, 2009 maintenance fee.

Respectfully submitted,

By:   
Carl J. Evens  
Reg. No. 33,874

Johnson & Johnson  
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Tel: 732-524-2518  
Dated: December 22, 2009

\*\* Transmit Conf. Report \*\*

P.1

Jan 28 2005 11:16

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
917033085077	NORMAL	28,11:16	0'00"	16	D.O.7	
↑ Check condition of remote fax.						

*Johnson-Johnson*

International Patent Law Division  
PO Box 1222  
New Brunswick, New Jersey 08903-7003 USA

## FACSIMILE SHEET

DATE: January 28, 2005

TO: Michael Barrguna

FAX NO.: 703.308.5077

FROM: Jacqueline Pintinics

TEL. NO.: 732.524.2836

FAX NO.: 732.524.2808

TOTAL NUMBER OF PAGES INCLUDING COVER SHEET: 22

Re: Maintenance Fees

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**MAINTENANCE FEE TRANSMITTAL FORM**Address to:  
U.S. Patent and Trademark Office  
P.O. Box 371611  
Pittsburgh, PA 15250-1611I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "United States Patent and Trademark Office, P.O. Box 371611, Pittsburgh, PA 15250-1611" on January 28, 2005

Signature

Typed or printed name Carmen A. Cafo

Enclosed herewith is the payment of the maintenance fee(s) for the listed patent(s).

1. ☐ A check for the amount of \$ \_\_\_\_\_ for the full payment of the maintenance fee(s) and any necessary surcharge on the following patents is enclosed.
2. ☒ The Director is hereby authorized to charge \$ \_\_\_\_\_ to cover the payment of the fee(s) indicated below to Deposit Account No. 10-0750. A duplicative copy of this form is enclosed.
3. ☒ The Director is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 10-075. A duplicative copy of this form is enclosed.
4. ☐ Payment by credit card. Form PTO-2038 is attached.

\* Information required by 37 CFR 1.366(c) (columns 1 &amp; 4). Information requested under 37 CFR 1.366(d) (columns 2, 3, &amp; 5)

Item	Patent Number*	Maintenance Fee Amount (37 CFR 1.20 (e)-(g))	Surcharge Amount (37 CFR 1.20(h))	U.S. Application Number* [e.g., 06/555,555]	Payment Year		
					Column 5		
	Column 1	Column 2	Column 3	Column 4	3.5 yrs	7.5 yrs	11.5 yrs
1	5231700	3,800.00		07/835287			✓
2	5231975	3,800.00		07/844732			✓
3	5232438	3,800.00		08/898618			✓
4	5232705	3,800.00		07/864824			✓
5	5234066	3,800.00		07/612824			✓

Subtotals: Columns 2 &amp; 3

\$19,000.00

Total Payment

☒ 20 additional sheets attached for listing additional patents.**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on Form PTO-2038.**

Respectfully submitted,

Customer's Signature

Customer's Name: Carmen A. Cafo

Registration Number, if applicable:

Telephone: 732.524.2836

Fax: 732.524.2808

Note: All correspondence will be forwarded to the "Fee Address" or to the "Correspondence Address" if no "Fee Address" has been provided. See 37 CFR 1.363.

Payment of small entity fee is appropriate if small entity status still exists, see 37 CFR 1.27(g). To establish small entity status or to change status from small to large entity, a written assertion is required. See 37 CFR 1.27 and 1.33(b).

**\*\* WHERE MAINTENANCE FEE PAYMENTS ARE TO BE MADE BY AUTHORIZATION TO CHARGE A DEPOSIT ACCOUNT, BOTH THE NAME AND SIGNATURE OF AN AUTHORIZED USER ARE REQUIRED.**

This collection of information is required by 37 CFR 1.366. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 0.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: United States Patent and Trademark Office, P.O. Box 371611, Pittsburgh, PA 15250-1611.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**MAINTENANCE FEE TRANSMITTAL FORM**

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					3.5 yrs	7.5 yrs	11.5 yrs
Column 1	Column 2	Column 3	Column 4				
1	5234099	3,800.00		07/483159			✓
2	5234106	3,800.00		07/897136			✓
3	5234424	3,800.00		07/691040			✓
4	5234445	3,800.00		07/947662			✓
5	5234449	3,800.00		07/915155			✓
Subtotals: Columns 2 & 3		\$19,000.00					
Total Payment				<input type="checkbox"/> _____ additional sheets attached for listing additional patents.			

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Telephone: 732.524.2836Fax: 732.524.2808

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	Column 1	Column 2	Column 3	Column 4	3.5 yrs	7.5 yrs	11.5 yrs
1	5234678	3,800.00		07/875883			✓
2	5234692	3,800.00		07/939173			✓
3	5234693	3,800.00		07/939247			✓
4	5234694	3,800.00		07/939263			✓
5	5234841	3,800.00		07/864885			✓

Subtotals: Columns 2 &amp; 3

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Customer's Name: Carmen A. Cafro

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2	5236083	3,800.00		07/926067			✓
3	5236355	3,800.00		07/593125			✓
4	5236609	3,800.00		07/645058			✓
5	5236659	3,800.00		07/838143			✓

Subtotals: Columns 2 & 3

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Signature

Typed or printed name Carmen A. Cafró

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					Column 5			
	Column 1	Column 2	Column 3	Column 4	3.5 yrs	7.5 yrs	11.5 yrs	
1	5236669	3,800.00		07/880588			✓	✓
2	5236689	3,800.00		07/873901			✓	✓
3	5236714	3,800.00		07/265738			✓	✓
4	5238388	3,800.00		07/802808			✓	✓
5	5238644	3,800.00		07/558679			✓	✓
Subtotals: Columns 2 & 3		\$19,000.00						
Total Payment				<input type="checkbox"/> _____ additional sheets attached for listing additional patents.				

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Respectfully submitted,

Customer's Signature

Customer's Name: Carmen A. Cafró

Registration Number, if applicable:

Telephone: 732.524.2836

Fax: 732.524.2808

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Signature

Typed or printed name Carmen A. Cafro

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1. ☐ A check for the amount of \$ \_\_\_\_\_ for the full payment of the maintenance fee(s) and any necessary surcharge on the following patents is enclosed.
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3. ☒ The Director is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 10-075. A duplicative copy of this form is enclosed.
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\* Information required by 37 CFR 1.366(c) (columns 1 & 4). Information requested under 37 CFR 1.366(d) (columns 2, 3, & 5)

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					Column 5	3.5 yrs	7.5 yrs	
Column 1	Column 2	Column 3	Column 4					
1	5238687	3,800.00		07/939186			✓	✓
2	5240164	3,800.00		07/931814			✓	✓
3	5240678	3,800.00		07/732249			✓	✓
4	5240713	3,800.00		07/767308			✓	✓
5	5240953	3,800.00		07/828394			✓	✓
Subtotals: Columns 2 & 3		\$19,000.00						
Total Payment				<input type="checkbox"/> _____ additional sheets attached for listing additional patents.				

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					3.5 yrs	7.5 yrs	11.5 yrs	
Column 1	Column 2	Column 3	Column 4					
1	5240995	3,800.00		07/741475			✓	✓
2	5653705	2,300.00		08/319986		✓		✓
3	5653721	2,300.00		08/545296		✓		✓
4	5653844	2,300.00		08/463697		✓		✓
5	5653943	2,300.00		08/418322		✓		✓
Subtotals: Columns 2 & 3		\$13,000.00						
Total Payment				<input type="checkbox"/> additional sheets attached for listing additional patents.				

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					Column 5			
Column 1	Column 2	Column 3	Column 4	3.5 yrs	7.5 yrs	11.5 yrs		
1	5653992	2,300.00		08/429375		✓		✓
2	5654293	2,300.00		08/448527		✓		✓
3	5654416	2,300.00		08/495743		✓		✓
4	5655652	2,300.00		08/623518		✓		✓
5	5655657	2,300.00		08/533236		✓		✓
Subtotals: Columns 2 & 3		\$11,500.00						
Total Payment				<input type="checkbox"/> additional sheets attached for listing additional patents.				

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					3.5 yrs	7.5 yrs	11.5 yrs
Column 1	Column 2	Column 3	Column 4				
1	5656036	2,300.00		08/304286		✓	
2	5656208	2,300.00		08/258264		✓	
3	5656210	2,300.00		08/415000		✓	
4	5656238	2,300.00		08/320932		✓	
5	5656283	2,300.00		08/495738		✓	
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					3.5 yrs	7.5 yrs	11.5 yrs
Column 1	Column 2	Column 3	Column 4				
1	5656362	2,300.00		08/442234		✓	
2	5658262	2,300.00		08/649460		✓	
3	5658263	2,300.00		08/443727		✓	
4	5658270	2,300.00		08/427011		✓	
5	5658291	2,300.00		08/537044		✓	
Subtotals: Columns 2 & 3		\$11,500.00					
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					Column 5		
	Column 1	Column 2	Column 3	Column 4	3.5 yrs	7.5 yrs	11.5 yrs
1	5658333	2,300.00		08/647146		✓	
2	5658334	2,300.00		08/662170		✓	
3	5658344	2,300.00		08/581038		✓	
4	5658349	2,300.00		08/185914		✓	
5	5658410	2,300.00		08/463695		✓	

Subtotals: Columns 2 &amp; 3

\$11,500.00

Total Payment

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					3.5 yrs	7.5 yrs	11.5 yrs	
Column 1	Column 2	Column 3	Column 4	Column 5				
1	5658474	2,300.00		08/358230		✓		
2	5658529	2,300.00		08/614705		✓		
3	5658589	2,300.00		07/784623		✓		
4	5658602	2,300.00		08/431635		✓		
5	5658919	2,300.00		08/711140		✓		
Subtotals: Columns 2 & 3		\$11,500.00						
Total Payment			<input type="checkbox"/> _____ additional sheets attached for listing additional patents.					

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Respectfully submitted, \*\*

Customer's Signature:

Customer's Name: Carmen A. Cafo

Registration Number, if applicable:

Telephone: 732.524.2836

Fax: 732.524.2808

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					Column 5		
					3.5 yrs	7.5 yrs	11.5 yrs
	Column 1	Column 2	Column 3	Column 4			
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4	5660857	2,300.00		08/437905		✓	
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Subtotals: Columns 2 & 3		\$11,500.00					
Total Payment				<input type="checkbox"/> _____ additional sheets attached for listing additional patents.			

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					3.5 yrs	7.5 yrs	11.5 yrs
Column 1	Column 2	Column 3	Column 4				
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2	6269680	900.00		09/337727	✓		
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4	6270464	900.00		09/336360	✓		
5	6270518	900.00		09/412903	✓		
Subtotals: Columns 2 & 3		\$5,900.00					
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					Column 5		
	Column 1	Column 2	Column 3	Column 4	3.5 yrs	7.5 yrs	11.5 yrs
1	6270521	900.00		09/316843	✓		
2	6270525	900.00		09/404660	✓		
3	6270787	900.00		09/217823	✓		
4	6270790	900.00		09/135723	✓		
5	6271371	900.00		09/404035	✓		
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					3.5 yrs	7.5 yrs	11.5 yrs	
1	6272371	900.00		09/125932	✓			✓
2	6273852	900.00		09/521801	✓			✓
3	6273862	900.00		09/543122	✓			✓
4	6273893	900.00		09/437457	✓			✓
5	6273897	900.00		09/515450	✓			✓
Subtotals: Columns 2 & 3		\$4,500.00						
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					Column 5		
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1	6273909	900.00		09/166055	✓		
2	6273913	900.00		09/061568	✓		
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5	6275728	900.00		09/467084	✓		

Subtotals: Columns 2 &amp; 3

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Column 1	Column 2	Column 3	Column 4				
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4	6277123	900.00		09/394557	✓		
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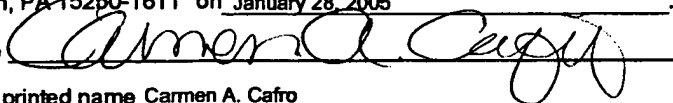
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1. ☐ A check for the amount of \$ \_\_\_\_\_ for the full payment of the maintenance fee(s) and any necessary surcharge on the following patents is enclosed.
2. ☒ The Director is hereby authorized to charge \$ \_\_\_\_\_ to cover the payment of the fee(s) indicated below to Deposit Account No. 10-0750. A duplicative copy of this form is enclosed.
3. ☒ The Director is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 10-075. A duplicative copy of this form is enclosed.
4. ☐ Payment by credit card. Form PTO-2038 is attached.

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Item	Patent Number*	Maintenance Fee Amount (37 CFR 1.20 (e)-(g))	Surcharge Amount (37 CFR 1.20(h))	U.S. Application Number* [e.g., 06/555,555]	Payment Year		
					Column 5		
	Column 1	Column 2	Column 3	Column 4	3.5 yrs	7.5 yrs	11.5 yrs
1	6277126	900.00		09/400680	✓		
2	6277224	900.00		09/471976	✓		
3	6277409	900.00		09/502596	✓		
4	6278218	900.00		09/584583	✓		
5	6279622	900.00		09/499418	✓		
Subtotals: Columns 2 & 3		\$4,500.00					
Total Payment				<input type="checkbox"/> _____ additional sheets attached for listing additional patents.			

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Respectfully submitted,

Customer's Signature:

Customer's Name: Carmen A. Cafo

Registration Number, if applicable:

Telephone: 732.524.2836

Fax: 732.524.2808

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3	6280466	900.00		09/454038	✓		
4	6280477	900.00		09/148619	✓		
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	Column 1	Column 2	Column 3	Column 4	3.5 yrs	7.5 yrs	11.5 yrs	
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2								
3								
4								
5								
Subtotals: Columns 2 & 3		\$900.00						
Total Payment		\$229,800.00		<input type="checkbox"/> _____ additional sheets attached for listing additional patents.				

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**\*\* Transmit Conf. Report \*\***

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**FAX****Date** 10/12/2005**Number of pages including cover sheet** 16**TO:** Dorethea E. Allen**FROM:** Jacqueline A. Pintinics  
Johnson & Johnson -  
Patent Law Dept.  
1 Johnson & Johnson  
Plaza  
New Brunswick, NJ 08901**Phone****Fax Phone** 571-273-6500**Phone** 732.524.2836**Fax Phone** 732.524.2808**CC:****REMARKS:** ☒ Urgent ☐ For your review ☒ Reply ASAP ☐ Please Comment**Re:** Expired Patents due to Non-Payment of the Maintenance Fee(s)

Dorethea,

We received a Notice of Patent Expiration (copies attached) for several of our patents where the maintenance fee was due in February 2005. However, we paid these fees on January 28, 2005 per the attached transmittal payment form. Please confirm by return fax, that the fees have been credited to our deposit account and that the patents are still in force. Thanks for your assistance.

If you have any questions or comments, please contact me.

Kindest regards,

# FAX

**Date** 10/12/2005

**Number of pages including cover sheet** 16

**TO:** Dorethea E. Allen

**Phone**

**Fax Phone** 571-273-6500

**CC:**

**FROM:** Jacqueline A. Pintinics  
Johnson & Johnson -  
Patent Law Dept.  
1 Johnson & Johnson  
Plaza  
New Brunswick, NJ 08901

**Phone** 732.524.2836

**Fax Phone** 732.524.2808

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Jacqueline A. Pintinics  
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2	6277104	900.00		08/917987		✓			
3	6277115	900.00		09/455114		✓			
4	6277123	900.00		09/394557		✓			
5	6277125	900.00		09/399714		✓			
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4	6274963	900.00		09/386740	✓		
5	6275725	900.00		09/467084	✓		

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Respectfully submitted,

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Customer's Name: Carmen A. Caffro

Registration Number, if applicable:

Telephone: 732.524.2836

Fax: 732.524.2808

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PATENT NUMBER	U.S. APPLICATION NUMBER	PATENT ISSUE DATE	APPLICATION FILING DATE	EXPIRATION DATE	ATTORNEY DOCKET NUMBER
5277126	09400680	08/21/01	09/21/99	08/22/05	3365-4001

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PATENT NUMBER	U.S. APPLICATION NUMBER	PATENT ISSUE DATE	APPLICATION FILING DATE	EXPIRATION DATE	ATTORNEY DOCKET NUMBER
277224	09471976	08/21/01	12/23/99	08/22/05	



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PATENT NUMBER	U.S. APPLICATION NUMBER	PATENT ISSUE DATE	APPLICATION FILING DATE	EXPIRATION DATE	ATTORNEY DOCKET NUMBER
5277409	09502596	08/21/01	02/11/00	08/22/05	199-1146

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278218	09584583	08/21/01	05/31/00	08/22/05	98P7564US

6278218



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PATENT NUMBER	U.S. APPLICATION NUMBER	PATENT ISSUE DATE	APPLICATION FILING DATE	EXPIRATION DATE	ATTORNEY DOCKET NUMBER
6277104	08917987	08/21/01	08/25/97	08/22/05	07815/004002



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277115	09455114	08/21/01	12/06/99	08/22/05	SALK1360-A





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PATENT NUMBER	U.S. APPLICATION NUMBER	PATENT ISSUE DATE	APPLICATION FILING DATE	EXPIRATION DATE	ATTORNEY DOCKET NUMBER
6277125	09399714	08/21/01	09/21/99	08/22/05	



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5273913	09061568	08/14/01	04/16/98	08/15/05	PF-0450-US

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pf 1/27/05



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5274963	09386740	08/14/01	08/31/99	08/15/05	

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Patent Number:	6277123	Application Number:	09394557
Issue Date:	08/21/2001	Filing Date:	09/10/1999
Title: PROSTHESIS POSITIONING APPARATUS AND METHOD FOR IMPLANTING A PROSTHESIS			
Status:	Expired for non-payment on: 08/22/2005		Entity: Large
Window Opens:	08/23/2004	Surcharge Date:	02/23/2005
Fee Amt Due:	\$0.00	Surchg Amt Due:	\$0.00
Fee Code:			
Surcharge Fee Code:			
Most recent events (up to 7):	2005/08/22 Patent Expired for Failure to Pay Maintenance Fees. 2005/03/09 Maintenance Fee Reminder Mailed. --- End of Maintenance History ---		
Address for fee purposes:	PAUL J. MAGINOT MAGINOT, ADDISON & MOORE BANK ONE CENTER /TOWER 111 MONUMENT CIRCLE, SUITE 3000 INDIANAPOLIS, IN 462045130		
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Patent Number:	6280477	Application Number:	09148619
Issue Date:	08/28/2001	Filing Date:	12/04/1998
Title:	CEMENT RESTRICTOR		
Status:	Expired for non-payment on: 08/29/2005		
Window Opens:	08/30/2004	Surcharge Date:	03/01/2005
Fee Amt Due:	\$0.00	Surchg Amt Due:	\$0.00
Fee Code:			
Surcharge Fee Code:			
Most recent events (up to 7):	2005/08/29 Patent Expired for Failure to Pay Maintenance Fees. 2005/03/16 Maintenance Fee Reminder Mailed. 2002/07/29 Payor Number Assigned. --- End of Maintenance History ---		
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